

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

ALTON D. STOWERS,

Plaintiff,

v.

DEPUTY MACIAS, et al.,

Defendants.

Case No. EDCV 18-1530- ODW (PVC)

**ORDER ACCEPTING FINDINGS,  
CONCLUSIONS AND  
RECOMMENDATIONS OF UNITED  
STATES MAGISTRATE JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the First Amended Complaint in the above-captioned matter, Defendants' Motion for Summary Judgment ("MSJ"), Plaintiff's Opposition, all the records and files herein, and the Report and Recommendation of the United States Magistrate Judge. The time for filing Objections to the Report and Recommendation has passed and no Objections have been received. Accordingly, the Court accepts and adopts the findings, conclusions and recommendations of the Magistrate Judge.

IT IS ORDERED THAT:

1. Defendants' evidentiary objections are OVERRULED without prejudice;

2. The MSJ is DENIED to the extent that Defendants contend that this action is barred by the doctrine in *Heck v. Humphrey*, 512 U.S. 477, 487 (1994);

3. The MSJ is GRANTED in favor of Deputies Macias and Kennedy in their individual capacities on Plaintiff's excessive force claims;

4. The MSJ is GRANTED in favor of the County of Riverside and Deputies Macias and Kennedy in their official capacities on Plaintiff's failure to train claim pursuant to *Monell v. Dep't of Soc. Servs. of City of New York*, 436 U.S. 658, 694 (1978); and

5. Judgment shall be entered DISMISSING this action with prejudice.

The Clerk shall serve copies of this Order and the Judgment herein on Plaintiff at his address of record and on counsel for Defendants.

IT IS SO ORDERED.

DATED: May 14, 2020

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OTIS D. WRIGHT, II  
UNITED STATES DISTRICT JUDGE